

Message Text

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ACTION ARA-14

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C O N F I D E N T I A L MONTEVIDEO 0726

E.O. 11652: GDS
TAGS: SHUM, UY
SUBJ: AMERICAN BAR ASSOCIATION VISIT

FOR ARA/ECA AMBASSADOR PEZZULLO

REF: (A) MONTEVIDEP 0694 (B) STATE 54109

1. FURTHER TO REFTEL (A), I HAD A LONG TALK WITH
GENERAL BORAD MORNING MARCH 4. HE SAID POLITICAL
COMMISSION DECISION TO REQUEST POSTPONEMENT OF
ABA VISIT, IN WHICH HE PARTICIPATED, WAS MOTIVATED
SOLELY BY DESIRE TO AVOID DIFFICULTIES WHICH WOULD
ARISE IN ATTEMPTING TO SCHEDULE ANYTHING AROUND
MARCH 17 TO 27, SEMANA DE TURISMO PERIOD. I
ASSURED HIM THAT WE APPRECIATED THIIIS AND GAVE HIM
REFTEL (B) INFORMATION THAT POSTPONEMENT UNTIL
MARCH 27 HAD ALREADY BEEN AGREED TO IN WASHINGTON.

2. I THEN NOTED THAT POSTPONEMENT COULD BE
ADVANTAGEOUS, SINCE IT GAVE GOU MORE TIME TO DEAL
WITH CASES OF FOUR LAWYERS WHO WERE SUBJECT OF
ABA VISIT. I SAID WE HAD CONFIRMED THAT
SCHURMAN AND FRAGA HAD BEEN GIVEN CONDITIONAL
LIBERTY AND WERE NOW AT HOME. WE ALSO UNDERSTOOD
THAT BIASCO'S CASE WAS BEING PROCESSED, AND WE
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PRESUMED FABRI'S WAS ALSO, ALTHOUGH WE HAD NO
DEFINITE INFORMATION ON HIM. BORAD REPLIED
THAT HE INDERSTOOD GOU INTENDED TO RELEASE
THE OTHER TWO AND HE ASSUMED THAT THE DELAY
IN DOING SO WAS BECAUSE OF LEGAL PROBLEMS
ENCOUNTERED. HE SAID HE WOULD LOOK
INTO THE CASE OF BIASCO AND FABRI WITH A

VIEW TO EXPEDITING THE PROCESS SO THAT THEY WOULD BE RELEASED BEFORE ARRIVAL OF THE ABA VISITORS.

3. I TOLD BORAD THAT THE RELEASE OF THE FOUR FROM JAIL WOULD BE A VERY POSITIVE STEP BUT THAT THE NATURE OF THE FREEDOM GRANTED THEM COULD PRESENT PROBLEMS IF IT DID NOT PERMIT THEM TO PRACTICE THEIR PROFESSION. THE ABA WAS CONCERNED NOT ONLY WITH THE IMPRISONMENT OF THE FOUR LAWYERS BUT ALSO WITH (A) THEIR ABILITY FREELY TO PRACTICE THEIR PROFESSION AND (B) THEIR FREEDOM FROM ANY PUNISHMENT OR SANCTION FOR HAVING LEGITIMATELY PRACTICED THEIR PROFESSION IN THE PAST. THUS, IF THE CONDITIONAL LIBERTY GRANTED THE FOUR DID NOT PERMIT THEM TO PRACTICE THEIR PROFESSION AND IF CHARGES WHICH COULD RESULT IN PUNISHMENT FOR THEIR HANDLING OF PAST CASES WERE STILL HANGING OVER THEIR HEADS AT THE TIME OF THE VISIT, THE ABA VISITORS WOULD NATURALLY HAVE TO NOTE THESE NEGATIVE FACTORS ALONGSIDE THE POSITIVE FACTOR OF THEIR HAVING BEEN RELEASED FROM PRISON. BORAD SAID HE APPRECIATED THAT THE SITUATION WOULD BE BETTER FOR URUGUAY IF THE CONDITIONAL LIBERTY DID NOT RESTRICT

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THE LAWYERS' PRACTICING, AND HE WOULD SEE WHAT COULD BE DONE. HE FEARED, HOWEVER, THAT THERE MIGHT BE SOME LAW PROHIBITING THE LAWYERS FROM PRACTICING WHILE UNDER CHARGES WHICH WOULD TIE THE GOU'S HANDS. HE ALSO APPRECIATED THAT IT WOULD BE EVEN BETTER IF THE CASES OF THE FOUR COULD BE FULLY AND FINALLY DISPOSED OF BEFORE THE ABA VISIT IN A MANNER WHICH MET ALL THREE OF THE ABA'S CONCERNS. HE WAS NOT VERY OPTIMISTIC THAT THIS COULD BE DONE, BUT HE PROMISED TO LOOK INTO IT.

4. COMMENT: I BELIEVE BORAD FULLY UNDERSTANDS THE DEPTH OF THE ABA'S CONCERN FOR THE CASES OF THE FOUR LAWYERS AND APPRECIATES THE BENEFITS TO BE DERIVED FROM THE GOU GOING AS FAR AS POSSIBLE TO MEET THESE CONCERNS PRIOR TO THE VISIT. HE WILL UNDOUBTEDLY SHARE HIS UNDERSTANDING AND APPRECIATION OF THE SITUATION WITH HIS MILITARY COLLEAGUES, ESPECIALLY THOSE ON THE POLITICAL COMMISSION. WHETHER THEY WILL BE WILLING AND ABLE TO MOVE THE CASES FURTHER IN A POSITIVE DIRECTION

BEFORE THE ABA VISIT IS UNCERTAIN. THE VERY
PROSPECT OF THE VISIT HAS MOVED THE GOU TO
RELEASE TWO OF THE LAWYERS, AND POSSIBLY EVEN
THE OTHER TWO - A VERY IMPORTANT FIRST STEP.
IF MAY BE THAT THE IMPETUS FOR FURTHER PROGRESS
WILL HAVE TO BE PROVIDED BY THE VISIT ACTUALLY
TAKING PLACE.
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